

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 8127 of 2014

Date of Decision: 26.05.2022

Gurdeep Singh

... Petitioner(s)

Versus

Tej Kaur and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Siddharth Gupta, Advocate
for the petitioner(s).

Mr. J.S.Brar, Advocate
for the respondent No.1 to 4.

Anil Kshetarpal, J.

1. Three separate orders, passed by the trial while deciding the three interlocutory applications, are being questioned by filing the present revision petition. All the orders are interlocutory in nature.

2. Through the first order, the trial Court has permitted the plaintiffs to summon the record of the registered sale deed. By the second order, the trial Court has dismissed the application filed by the defendants for prohibiting the plaintiffs from leading rebuttal evidence. Whereas by the third order, the trial Court has permitted the plaintiffs to lead rebuttal evidence.

3. The dispute, in the present case, is with regard to the correctness and genuineness of the sale deed dated 16.06.1992, allegedly executed by Sh. Gurdev Singh, Smt. Kartar Kaur and Sh. Bikkar Singh. In order to do substantive justice between the parties, the trial Court has

permitted the plaintiffs to examine the Handwriting and Fingerprint Expert,

in rebuttal evidence.

4. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

5. The learned counsel representing the petitioner (defendant No.4C) contends that the evidence sought to be produced does not fall within the scope of rebuttal evidence. He further contends that the parties, while hearing the suit, have denied that Sh. Gurdev Singh son of Chanan Singh ever existed. Per contra, the learned counsel representing the plaintiffs has stated that they have filed a suit for grant of decree of declaration to the effect that they are entitled to the suit property on the basis of inheritance. He further submits that even if the evidence sought to be produced does not fall within the scope of rebuttal evidence, the trial Court has already held that the procedural technicalities should not hamper the flow of justice and mistake of the learned counsel should not cause an irreparable damage to the case of the plaintiffs.

6. Undoubtedly, there is merit in the contention of the learned counsel representing the petitioner with regard to the scope of rebuttal evidence. However, the procedural technicalities should not stop the trial Court from advancing the cause of justice. The object of procedural law is to regulate the procedure. Unless there is a specific prohibition, the Court has inherent powers to permit the parties to lead evidence in order to do substantive justice. Even the First Appellate court has inherent powers under Order XLI Rule 27 CPC to permit the parties to lead evidence which helps the Court in adjudicating the case in a proper manner.

7. Keeping in view the aforesaid spirit, the orders, in question, are

modified. The plaintiffs are permitted to lead additional evidence. The defendants shall have the right to lead counter-evidence.

8. In view of the above, the present revision petition is disposed of.

(Anil Kshetarpal)
Judge

May 26, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No